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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,438	08/30/2000	Kevin Garcia	002950.P043	2551

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EXAMINER

HOANG, PHUONG N

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/25/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/651,438

Applicant(s)

GARCIA, KEVIN

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 14, and 16 - 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 8 - 14, and 16 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 6, 8 - 14, and 16 – 18 are pending for examination. Claims 7 and 15 were canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 6, 8, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dzikewich US patent no. 5,706,500, and in view of Horiguchi US patent no. 6,073,157.**

4. Dzikewich and Horiguchi were cited in the last office action.

5. **As to claim 1**, Dzikewich teaches the steps comprising of:
automatically detecting an exit (automatically detecting failure, col. 5 lines 52 - 58) of a child application object (units of works 132-138, col. 5 lines 50 – 65);

automatically determining whether the exit of the child application object was expected (if no more units left to be processed.... Processor 100 ends the script, col. 6 lines 3 – 6);

automatically attempting restart of the child application if the exit of the child application object was unexpected (restarted immediately due to system failure, col. 5 line 60 - col. 6 line 2);

automatically signaling (signaling, workflows of the loop, col. 4 lines 23 – 26, col. 3 lines 35 – 50, and col. 5 lines 0 - 50) an outcome of the restart to a parent application (processor 100, col. 5 lines 30 - 50).

Dzikewich does not teach the steps of:

automatically terminating grandchild application object after the exit of the child application object;

the relationships of parent, child, and grandchild remain extant at the exit of a child application.

Horiguchi teaches the steps of:

automatically terminating grandchild application object after the exit of the child application object (when an enclave terminate, threads are terminated, col. 3 lines 37 – 50, col. 5 lines 45 - 50 and col. 6 lines 45 - 55);

The relationships of parent, child, and grandchild remain extant at the termination of a child application (col. 7 lines 10 – 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Dzikewich and Horiguchi 's because

Horiguchi 's hierarchy relationships would provide a stable coordination without re-defining the whole relationships after the exit of an child application.

6. **As to claims 2 and 3**, Horiguchi teaches maintaining an application hierarchy by recording and launching a hierarchical relationship between parent, child, and grandchild (col. 7 lines 10 – 65).

7. **As to claim 4**, Dzikewich teaches if the restart of the child application is successful (when the transaction system has been restarted, if these datasuccessfully, col. 4 lines 10 – 22) then communicating a restart message to the parent application object to inform (processing state 152, col. 4 lines 10 – 22) the parent application.

8. **As to claim 5**, this claim is opposite with claim 4.

9. **As to claim 6**, one skilled in the art can recognize that detecting of the failure would include detecting hanging of a process.

10. **As to claim 8**, Dzikewich and Horiguchi do not teach the system to create a new process identifier for a process.

It would have been obvious to one ordinary skill in the art to recognize that each process would have an identifier because the system can distinguish different ones.

11. **As to claim 17**, this is product claim of claim 1, see claim 1 above.
12. **As to claim 18**, this is system claim of claim 1, see claim 1 above.
13. **Claims 9 – 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dzikewich US patent no. 5,706,500, in view of Horiguchi US patent no. 6,073,157, as applied to claims 1 – 6, 8, 17, and 18 above, and further in view of Matsuda US patent no 5,790,419.**
14. Matsuda was cited in the last office action.
15. **As to claim 9**, it is a system claim of claim 1. See rejection of claim 1 above.
Dzikewich and Horiguchi do not teach a watchdog.
Matsuda teaches a watchdog (watchdog, col. 4 lines 16 – 30).
It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dzikewich, Horiguchi, and Matsuda's because Matsuda's watchdog is well-known as a mechanism to detect failure of the system.
16. **As to claim 10 – 14, 16**, see claim 2 – 6, and 8 above respectively.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
March 22, 2004


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SUPERVISORY PATENT EXAMINER
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